

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TONY SMITH,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF  
CORRECTIONS et al.,

Defendant.

CASE NO. C11-5731 BHS-JRC

ORDER TO PROVIDE  
ADDITIONAL BRIEFING

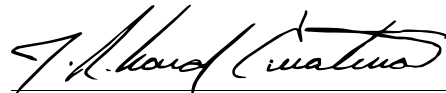
The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge, J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636 (b) (1) (A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Defendants ask the Court to grant summary judgment. The parties have completed one full round of briefing (ECF No. 17, 19, and 20).

Defendant's briefing does not adequately address the issue of the timing of the feast held to celebrate the completion of Ramadan in 2010. Plaintiff raised this issue in the complaint and alleges the feast must be held within "the first and third day after the completing of Ramadan." (ECF No. 5, pages 25 -6 ¶ 6.52 through 6.55). Plaintiff alleges that Ramadan ended on

1 September 9, 2010. Plaintiff alleges that the prison did not hold the feast until September 18,  
2 2010. Plaintiff alleges that the delay in having the feast violated the tenets of his faith (ECF No.  
3 5, page 26, ¶ 6.55).

4 The Court orders that defendant provide briefing on this issue. The additional briefing  
5 will be due on or before August 24, 2012. Plaintiff's response will be due on or before  
6 September 7, 2012. Defendant's reply will be due on or before September 14, 2012. The Court  
7 re-notes defendant's motion for summary judgment, (ECF No. 17), for September 21, 2012.

8 Dated this 17th day of July, 2012.

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11 J. Richard Creatura  
12 United States Magistrate Judge  
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